

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re Scotts EZ Seed Litigation

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12-CV-4727 (VB)

**SUPPLEMENTAL DECLARATION OF LISA TAUBLER IN SUPPORT OF
DEFENDANTS' MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFFS'
MOTION TO STRIKE PARAGRAPH 15 OF THE DECLARATION OF LISA TAUBLER**

Lisa Taubler, pursuant to 28 U.S.C. § 1746, hereby declares:

1. I am over 18 years of age. I make this Supplemental Declaration in support of The Scotts Company LLC's and The Scotts Miracle-Gro Company's (collectively, "Scotts") opposition to Plaintiffs' motion to strike paragraph 15 of the declaration of Lisa Taubler.
2. During my tenure as the Manager of Consumer Services at Scotts, a position that I have held for approximately sixteen years, I have developed a thorough understanding and personal knowledge of the ePowerCenter system and the processes for recording and maintaining data relating to consumer contacts.

3. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

4. [REDACTED]

[REDACTED]

[REDACTED]

5. The ePowerCenter system is designed to be able to identify and follow trends.

6. [REDACTED]

[REDACTED]

7. The reason code that is titled "Lack of Seed Germination Complaint" is a "complaint."

8. The reason code that is titled "Where Can I Buy Inquiry" is an "inquiry."

9. The reason code that is titled "Make Product in a Smaller Size Suggestion" is a "suggestion."

10. The reason code that is titled "Product Worked Better Plant Grew Better Than Expected" is an example of "praise."

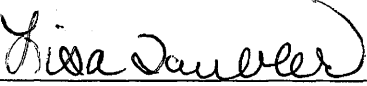
11. I have re-reviewed the native Excel document that was bates stamped SMG-EZ131299 and was the basis for my testimony in paragraphs 13, 14, and 15 of my original Declaration ("Declaration of Lisa Taubler," ECF No. 104). I recognized then, and now recognize, the document as a report that was generated by the ePowerCenter system. The data that appears in the report is within the range that I would expect.

12. I have reviewed Exhibits BB, CC, and TT that Plaintiffs attached to the Declaration of Joseph I. Marchese in support of Plaintiffs' Motion for Class Certification. I recognize the data that appears in each exhibit as data that was produced by the ePowerCenter database and system.

13. I have personal knowledge relating to the processes by which the 776 "praise" comments that relate to EZ Seed, and were cited in my original Declaration, were coded.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 10, 2014.



Lisa Taubler

CERTIFICATE OF SERVICE

I hereby certify that, on July 11, 2014, I served a copy of the foregoing, on all counsel of record at the addresses listed below, by filing same with the Court's CM/ECF system.

/s/Shawn Patrick Regan
Shawn Patrick Regan

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